

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIA CABA and CESAR ESPINAL,

Plaintiffs,

-against-

ORDER

06 CV 4754 (RJD) (RER)

JOANNA H. FRANKEL,

Defendant.

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DEARIE, Chief Judge.

Defendant has moved for a transfer of venue from the Eastern District of New York to the District of New Jersey. Defendant argues that she is not subject to personal jurisdiction in New York, and requests a transfer pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, rather than pursuant to 28 U.S.C. § 1404(a), which authorizes a district court to “transfer any civil action to any other district or division where it might have been brought.”

In a Report & Recommendation dated March 12, 2007, Magistrate Judge Ramon E. Reyes, Jr. noted that defendant’s motion “is more properly considered as a motion to dismiss for lack of personal jurisdiction.” Magistrate Judge Reyes recommended, however, that the case not be dismissed, and that the defendant’s request for a transfer of venue be granted.

The Court has reviewed Magistrate Judge Reyes’s Report and Recommendation, to which there has been no objection. The Court adopts Magistrate Judge Reyes’s Report and Recommendation without qualification. Defendant’s motion to transfer this case to the District

of New Jersey is granted.

SO ORDERED.

Dated: Brooklyn, New York
March 29, 2007

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE

United States District Judge